

REMARKS

This is in response to the Official Action currently outstanding with respect to the above-identified application, which Official Action the Examiner has designated as being FINAL.

Claims 1-6 were present in this application as of the time of the issuance of the currently outstanding FINAL Official Action. Claims 2-6 currently stand rejected, and Claim 1 is objected to by the Examiner. By the foregoing Amendment, Applicants propose that Claims 1, 3 and 5 be amended. Applicants also propose that claims 2, 4 and 6 be canceled. Applicants further propose that no claims be added or withdrawn by the foregoing Amendment. Accordingly, in the event that the Examiner grants the entry of the foregoing Amendment, Claims 1, 3 and 5 as hereinabove amended will constitute the claims under active prosecution in this application.

The foregoing Amendment sets forth the wording of all of the claims currently pending in this application as it will stand in the event that the Examiner grants entry to the foregoing Amendment as required by the Rules along with appropriate status identifiers.

More specifically, it is noted that in the currently outstanding Official Action, the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC §119(a)-(d), and confirmed that the required certified copies of the priority document have been received by the United States Patent and Trademark Office;
2. Indicated that the drawings filed on 11 March 2005 (presumably meaning 11 March 2004) are objected to on the grounds that all of the elements claimed in Claim 2 are not shown therein as required by 37 CFR 1.83(a);

3. Objected to Claim 1 on the bases that (i) a comma should appear after the word “raised” at line 15, (ii) at line 19, the word “allowing” should be deleted, and (iii) at line 20, the words “to contact with or mate” should read -- contacting with or mating --;
4. Objected to Claim 2 on the same bases as those stated with regard to Claim 1;
5. Rejected Claims 2, 3 and 6 under 35 USC §112, first paragraph, as failing to comply with the enablement requirement and for failing to comply with the written description requirement;
6. Rejected Claim 3 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
7. Rejected Claims 4-5 under 35 USC §103(a) as being unpatentable over Akao (JP 11-347779 A) in view of Ostendarp (US 6,22,056 B1);
8. Indicated that Claim 1 would be allowable if rewritten so as to overcome the objections stated and further that Claims 3 and 5 would be allowable if rewritten so as to depend only from Claim 1 and so as to remove the bases for the Examiner’s rejection of Claim 3 under 35 USC 112, second paragraph; and
9. Provided Applicants with his Response to their Previous Arguments.

At the outset, Applicants thank the Examiner for the courtesy accorded to their undersigned representative during an interview conducted in this case on 26 April 2006. The Examiner's Interview Summary Record attached to the currently outstanding FINAL Official Action correctly summarizes the substance of that interview. Specifically, the Examiner called Applicants' representative and indicated that the application would be in condition for allowance if (i) minor changes were made to the wording of Claim 1, (ii) the multiple dependencies of Claims 3 and 5 were changed such that those claims depended from only Claim 1, (iii) the use of the "and/or" phraseology of Claim 3 was clarified; and (iv) Claims 2, 4 and 6 were canceled. In addition, the Examiner offered to make the foregoing changes by Examiner's Amendment. Unfortunately, however, Applicants' representative was unable to secure authorization for the changes proposed by the Examiner from the Applicants prior to the necessity for the Examiner to issue the currently outstanding FINAL Official Action.

Further comment in these Remarks regarding items 1 and 9 above is not considered to be necessary in these Remarks.

With respect to item 2 above, Applicants by the foregoing Amendment are proposing that Claim 2 be canceled, without prejudice. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, the Examiner's objection to the drawings will be rendered moot.

With respect to item 3 and 8 above, Applicants by the foregoing Amendment are proposing that Claims 1, 3 and 5 be amended as suggested by the Examiner. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, Claims 1, 3 and 5 will be in condition for allowance (see Applicants' comments concerning item 5 above *infra*).

With respect to item 4 above, Applicants by the foregoing Amendment are proposing that Claim 2 be canceled, without prejudice. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, the Examiner's objection to Claim 2 will be rendered moot.

With respect to items 5 and 6 above, Applicants by the foregoing Amendment are proposing that Claims 2 and 6 be canceled, without prejudice, and that the dependency of Claim 3 on Claim 2 be deleted. Further, Applicants are proposing an amendment of the phraseology of Claim 3 that is believed to be in conformance with the discussion between the Examiner and their undersigned representative. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, the Examiner's rejections of Claims 2, 3 and 6 under 35 USC 112, first paragraph, and rejection of Claim 3 under 35 USC 112, second paragraph, all will be rendered moot.

Finally, with respect to item 7 above, Applicants by the foregoing Amendment are proposing that Claim 4 be canceled, without prejudice, and that the dependency of Claim 5 on Claim 4 be deleted. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, the Examiner's rejection of Claims 4-5 will be rendered moot.

Applicant appreciates the Examiner's thorough examination of the subject application and offer of an Examiner's Amendment. Further, Applicants regret that they were not available to approve the Examiner's proposals prior to the necessity for the issuance of the currently outstanding FINAL Official Action.

Accordingly, Applicants respectfully request that the foregoing Amendment After Final Rejection Under 37 CFR 1.116 be granted entry, and that the Examiner reconsider and allow the subject application based on the foregoing Amendments and Remarks.

Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: July 24, 2006


SIGNATURE OF PRACTITIONER

Reg. No. 27,840

David A. Tucker
(type or print name of practitioner)
Attorney for Applicant

Tel. No. (617) 517-5508

Edwards Angell Palmer & Dodge LLP
P. O. Box 55874
P.O. Address

Customer No. 21874

Boston, MA 02205

555057